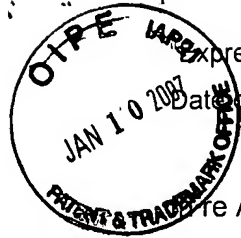


01-11-07

DA-11-07  
\$

BRINKS
HOFER
GILSON
& LIONE



Express Mail™ mailing label number: EV 964284596 US

Date of Deposit: January 10, 2007

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Appln. of: Naoya Hasegawa

Appln. No.: 10/617,010

Filed: July 10, 2003

For: SPIN-VALVE THIN FILM ELEMENT  
AND METHOD FOR  
MANUFACTURING THE SAME

Examiner: Anthony D. Tugbang

Art Unit: 3729

Attorney Docket No: 9281-4594 (N US03511)

Mail Stop Patent Ext.  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached are:

- ☒ Transmittal Letter (in duplicate); Request for Reconsideration of Patent Term Adjustment (in duplicate) with attached Appendix A and B.
- ☒ Return Receipt Postcard

## Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$ \_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$ \_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$ \_\_\_\_\_ for the Petition fee is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$ \_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$ \_\_\_\_\_ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date

1/10/07

Gustavo Siller, Jr. (Reg. No. 32,305)



"Express Mail" mailing label number: EV 964284596 US

Date of Deposit: January 10, 2007

Client Ref. Number: N US03511

Our Case No. 9281-4594

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Naoya Hasegawa	)	
	)	
Serial No. 10/617,010	)	Examiner: A. D. Tugbang
	)	
Filing Date: July 10, 2003	)	Group Art Unit No. 3729
	)	
For Spin-Valve Thin Film Element and	)	
Method for Manufacturing the Same	)	

**PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

As indicated by the PAIR PTA adjustment history, herein attached as Appendix A, U.S. Patent Application Serial No. 10/617,010 has a patent term adjustment under 35 U.S.C. §154(b) of 517 days. U.S. Patent Application 10/617,010 is not subject to a terminal disclaimer. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested.

Period of adjustment pursuant to 37 CFR § 1.703(a)

The PTO calculation of the period of adjustment pursuant to 37 C.F.R. § 1.703(a) indicates, as shown by the PAIR PTA adjustment history, an adjustment of 521 days (14 months after the filing of the application on July 10, 2003 to the

mailing of the first Office Action on February 13, 2006).

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day ("the 3 year date") after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a) or fulfilled the requirements pursuant to 35 U.S.C. § 371 and ending on the date a patent was issued.

The present application was filed on July 10, 2003. The 3 year date specified in 37 C.F.R. § 1.703(b) is July 10, 2006. The issue date, as indicated by the Issue Notification, herein attached as Appendix B, is December 19, 2006. The difference between the 3 year date (July 10, 2006) and the issue date is 162 days.

Reduction of adjustment pursuant to 37 C.F.R. § 1.704

The PTO calculation of the period of reduction of adjustment pursuant to 37 C.F.R. § 1.704, as shown by the PAIR PTA adjustment history, is 4 days.

Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the adjustment under 37 C.F.R. § 1.703 reduced by the reduction under 37 C.F.R. § 1.704. The total adjustment is thus  $521 + 162 - 4 =$  679 days.

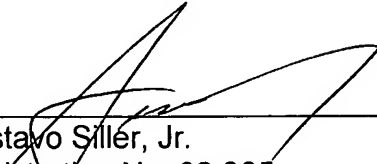
Conclusion

For the reasons stated herein, reconsideration of the patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(b). Please charge the fee or credit any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

Applicants respectfully request reconsideration of the patent term adjustment for this application. Office personnel are invited to contact the

undersigned for Applicants via telephone if such communication would expedite this request.

Respectfully submitted,

  
\_\_\_\_\_  
Gustavo Siller, Jr.  
Registration No. 32,305  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

# **APPENDIX**

## **A**



# UNITED STATES PATENT AND TRADEMARK OFFICE

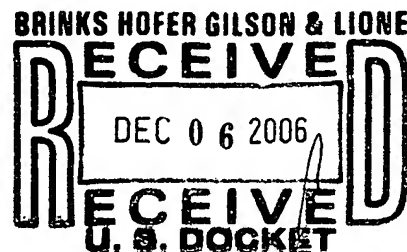
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,010	12/19/2006	7150092	9281/4594	3085

7590

11/29/2006

Anthony P. Curtis, Ph.D.  
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60610



## ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 517 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Naoya Hasegawa, Niigata-ken, JAPAN;

# **APPENDIX**

## **B**

Search results as of: 12-29-2006::11:56:27 E.T.

**Patent Term Adjustment**

Filing or 371(c) Date:	07-10-2003	USPTO Delay (PTO) Delay (days):	521
Issue Date of Patent:	12-19-2006	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	4
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	517
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
11-29-2006	PTA 36 Months		
12-19-2006	Patent Issue Date Used in PTA Calculation		
11-21-2006	Dispatch to FDC		
11-21-2006	Application Is Considered Ready for Issue		
10-24-2006	Mail Miscellaneous Communication to Applicant		
10-23-2006	Miscellaneous Communication to Applicant - No Action Count		
10-02-2006	Pubs Case Remand to TC		
08-21-2006	Issue Fee Payment Verified		4
08-21-2006	Issue Fee Payment Received		↑
05-17-2006	Mail Notice of Allowance		↑
05-17-2006	Mail Formal Drawings Required		
05-17-2006	Mail Oath of Declaration Required		
05-17-2006	Mail Examiner's Amendment		
05-15-2006	Oath or Declaration Required		
05-15-2006	Formal Drawings Required		
05-15-2006	Notice of Allowance Data Verification Completed		
05-15-2006	Examiner's Amendment Communication		
05-09-2006	Date Forwarded to Examiner		
05-04-2006	Response after Ex Parte Quayle Action		
05-04-2006	Request for Extension of Time - Granted		
02-13-2006	Mail Ex Parte Quayle Action (PTOL - 326)	521	
02-07-2006	Ex Parte Quayle Action	↑	
09-26-2003	Information Disclosure Statement considered	↑	
08-26-2004	Case Docketed to Examiner in GAU	↑	
08-25-2004	Transfer Inquiry to GAU	↑	
08-21-2004	Case Docketed to Examiner in GAU	↑	
04-15-2004	IFW TSS Processing by Tech Center Complete	↑	
04-15-2004	Claims PTO	↑	
04-15-2004	Reference capture on IDS	↑	
09-26-2003	Information Disclosure Statement (IDS) Filed	↑	
07-14-2003	Preliminary Amendment	↑	
04-08-2004	Case Docketed to Examiner in GAU	↑	



10-14-2003	Application Return from OIPE	↑
10-14-2003	Application Return TO OIPE	↑
10-14-2003	Application Dispatched from OIPE	↑
10-14-2003	Application Is Now Complete	↑
10-03-2003	Cleared by OIPE CSR	↑
10-02-2003	IFW Scan & PACR Auto Security Review	↑
07-10-2003	Initial Exam Team nn	↑

---

**Close Window**